

# THE RECORD

OF

# JOHN K. HACKETT,

As Recorder,

FOUNDED UPON OFFICIAL DOCUMENTS.

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To the Citizens of New York :

As it is of the utmost importance that the office of Recorder should be filled by an upright Judge, against whose reputation no accusation could justly be brought, the following extracts from the record of John K. Hackett, while Recorder, should be read by all thinking men, desiring to know whether or not they should support him at the approaching election :

WHAT WHEELER H. PECKAM THINKS OF RECORDER HACKETT.

Mr. Wheeler H. Peckham is not a politician, but a lawyer of high standing. He has been from the first, associated with Charles O'Connor in all the suits and legal proceedings against the late Ring. He is familiar with all the devices to which they have resorted to avoid punishment, and the various members of the judiciary upon whom they have relied for aid in this respect, and his opinion in regard to the character of a judge is therefore entitled to great weight.

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In answer to a request that he would state his opinion of Recorder Hackett, Mr. Peckham wrote the following letter, which was printed in the newspapers of October 11, 1875, and to which no reply has ever been published :

29 WALL STREET, NEW YORK, October 11, 1875.

DEAR SIR,—I have your letter of this date asking information as to the action of Recorder Hackett on the occasion of the first trial of Mayor Hall, and in respect to the indictment of Peter B. Sweeny, Hugh Smith and others. I think that as a delegate to a nominating convention you are entitled to know the facts.

The first trial of Mayor Hall was in the Court of Sessions, Judge Daly, Chief, Justice of the Common Pleas presiding. Mayor Hall had previously publicly stated that owing to his personal friendly relations with Recorder Hackett it would not be advisable for that magistrate to preside at his (Hall's) trial. The Mayor was defended by numerous and very able counsel, among whom may be mentioned Mr. Stoughton, Mr. Burrill, Mr. James M. Smith, Mr. Shafer, the late Mr. Buckley and others. Mr. Tremain, Mr. Clinton and myself appeared for the prosecution. The District Attorney, owing to his personal relations with Mr. Hall, did not appear. After the trial had been pending some weeks a juror died. Meantime the succeeding regular term of the Court of Sessions had been opened, Recorder Hackett presiding. The trial at the time of the juror's death had developed a very serious aspect for Mr. Hall. A question then arose as to the power of Mr. Justice Daly to empanel a new jury and proceed with the trial. This question was partly argued and an adjournment taken to a future day, when it was to be decided, whether with or without further discussion I do not now remember. Pending that adjournment the point was made in some case in Recorder Hackett's branch of the court that his branch was illegal owing to the sitting of Judge Daly's branch. The Recorder not only ruled that his branch was legal, but, as I remember, went further and stated that Judge Daly's was illegal. On the meeting of Judge Daly's branch on the adjourned day, Judge Daly declined to consider the question on its merits, and saw that after the decision of Recorder Hackett his only course was to follow it, and he did so, discharging the jury and ending the trial.

What Judge Daly's decision on the merits would have been I do not know. Whether Recorder Hackett in making the decision he did and to the extent he did, was moved by any desire to influence the action of Judge Daly, I have no information other than that of the public. What did influence his action was at the time very clear.

As to the Sweeny indictment the facts are these :

Sweeny, Smith, Woodward and Tweed were jointly indicted for a conspiracy by the Grand Jury popularly known as the Bedford Grand Jury. In the fall of 1872 a motion was made by the counsel for Hugh Smith to quash that indictment. The motion was heard by Recorder Hackett. It was made on the ground that the Bedford Grand Jury had no jurisdiction to find bills, and also on some other grounds not material to specify. On the hearing of the motion, it was agreed by counsel that only the question of the jurisdiction of the Grand Jury should be discussed, and that other questions should be reserved until after the decision of that—the reason being that that question affected many other bills that had been found by that Grand Jury. That agreement was carried out, and no other question was argued. Recorder Hackett granted the motion and quashed the indictment on the ground of want of jurisdiction of the Grand Jury, and also on the further ground of want of proper allegations in the bill as to the defendant, Smith. He gave as his reason for the first ground the decision of the General Term of the Supreme Court in the Greenthal case, that the November term, 1871, of the Court of General Sessions, was illegally extended into the subsequent months, and that he was bound by that decision. On the argument of the motion that case had been referred to. No opinion had been given by the Supreme Court, General Term, and I had stated to the Recorder that it was impossible to argue as to what was decided in a case where no opinion had been written, and I requested the Recorder to consult with the Supreme Court judges and ascertain what they had really decided.

I have subsequently ascertained that the Greenthal case was decided by consent, as being governed by the Burns case, and that in neither case had the Supreme Court decided that the Bedford Grand Jury was illegal. The same question was subsequently directly raised before the Oyer and Terminer, Judge Daniels, I think, presiding, and decided adversely to the ruling of the Recorder. The other ground upon which the Recorder based his decision had never been raised by the defendant's counsel, and had never been argued before the Recorder, and all points except that as to the Grand Jury being expressly reserved, the Recorder had no right to raise or consider any other point. He did so, however, and also did it in very offensive terms.

His action in that respect was the occasion of a letter to the New York *Times* by Mr. Henry C. Allen and myself. I thought at the time that the Recorder intended by using such language to make a covert attack upon myself, and to bring such discredit as he could upon those actively moving to punish public crimes. So far as any reference of personal intent to myself was concerned the Recorder, in a letter to me a short time afterwards, disavowed it in very courteous and complimentary terms, and I accepted and do accept his statement. The matter, however, had this consequence: In the letter I published Mr. Allen and myself insisted that the indictment was not open to the criticism Recorder Hackett had seen fit to make upon it, and avowed our intention to have a record made up and to take a writ of error. Our letter with that avowal appeared on the morning of the 31st December, 1872, the last day of the official term of Mr. District-Attorney Garvin, whom Mr. Phelps was to succeed the next day.

On that 31st December, 1872, Mr. Garvin moved a *nol. pros.* of the whole indictment before Recorder Hackett, and it was granted and entered as five days preceding, so as to appear to be done prior to the publication of our letter. This was done without any notice or consultation with me, and in face of the fact that, under the direction of the Attorney-General, I had theretofore had exclusive charge of all the so-called ring indictments, and that Judge Garvin had most cheerfully given me the control of them, and had himself taken no charge of them whatever. When thereafter, on Mr. Phelps's accession to office, I was about to take a writ of error, I found that the bill had been *nol.-prossed*, and as to all the defendants; that is, Sweeney, Woodward and Tweed, as well as Smith. Of course I have no personal knowledge of the ante-dating, but I investigated the matter very fully and thoroughly at the time, and have no doubt of the fact. Whether the foregoing facts afforded just ground for criticism, you and your convention must decide. Yours truly,

WHEELER H. PECKHAM.

Certainly when these facts are considered it would appear that the New York *Times* showed a spirit of prophecy when in its issue of October 5, 1872, it said:

"Recorder Hackett's relations with some of the men to be tried have been too intimate a kind to render it seemly that he should preside in the Court of Sessions when the Ring plunderers are at the bar.

"The organ of the Ring intimated yesterday that Recorder Hackett would probably insist upon maintaining the dignity of his Court, and refuse to sent the indicted to a higher tribunal. This is precisely what Recorder Hackett did, and the co-incidence is not calculated to increase public confidence in his fitness to try the cases in question. \* \* \* A new expose of the Ring frauds would be awakened for the interests of Sweeny, Genet, Field *et al* on the eve of election. \* \* \* Will the people remember this when the organ raises its next howl about pushing forward the Ring suits in a Court (Hackett's) where no honest man wishes to see them tried."

It will be recollected that to enter a *noll pross* upon an indictment, the consent of the Court was necessary, as well as that of the District Attorney, and to ante-date it required the direct connivance of Recorder Hackett.



Recorder Hackett knew perfectly well that Charles O'Connor and Mr. Peckham had charge of the prosecution of these indictments, and that Garvin was the creature of the accused.

If he had been desirous of promoting the ends of justice, would he not have required that notice should have been given to these representatives of the Attorney General before vacating the indictments?

Is it not plain that he did not cause any notice to be given them for the same reason that he allowed his decision to be ante dated; and for the same reason that he did not consult with the Judges of the Supreme Court on the motion to quash when requested by Mr. Peckham,—*because he was anxious to allow his friends of the Ring to escape.*

#### THE SUSPENSION OF SENTENCES BY RECORDER HACKETT.—

District Attorney Phelps, in his examination before the Committee on Crime of the Assembly, was asked if he knew any legal authority authorizing a Judge after a conviction of an offender to "suspend sentence." His answer was that he did not.

The Revised Statutes prescribes that any person who shall do certain acts "*shall be adjudged guilty*" of whatever the offence shall be, and that all persons who shall be "*adjudged guilty*" of such offences "*shall be punished by imprisonment*" etc., as prescribed by law.

The sole office of the Judge is to declare the law. The jury decide whether or not the prisoner is guilty, and when they have rendered a verdict of guilty the Judge is obliged to impose sentence, his only discretion being the limit which is allowed by the statute in graduating the severity of the punishment for that particular offence.

Yet Recorder Hackett, without the slightest legal authority, has in a large number of cases, after the accused had been regularly convicted of serious offences, assumed to suspend sentence *and has discharged them from custody without the slightest punishment.*

The following is a list of one hundred and seventy cases in which this has been done by Recorder Hackett within a year and ten months. On some days as many as four convicted persons thus escaped punishment, and on June 9, 1874, three burglars, one forger, and four other convicts were let loose after

conviction. Twenty-eight of the number were found guilty of grand larceny, fifteen of burglary, while numbers of others were adjudged guilty of forgery, assault with intent to kill, keeping disorderly houses, larceny from the person, etc., altogether indicating a very bad class of criminals.

**SENTENCES SUSPENDED by Recorder JOHN K. HACKETT, after conviction.**

DATE, 1873,	NAME.	OFFENCE.
Jan. 13.	William Chitty.....	Grand larceny.
do 13.	William Gillen.....	do
do 13.	Charles Watson.....	do
do 13.	Isaac Jacobs.....	do
do 27.	Edward Clazberg.....	do
do 27.	John Thompson.....	do
do 27.	Nicholas Sender.....	Carrying concealed weapons.
Feb. 10.	Mary Holcomb.....	Obtaining goods under false pretences.
do 24.	Albert G. Hervey.....	Grand larceny.
March 4.	Thomas McGuire.....	Petit larceny from person by night.
do 4.	Terence Lynch.....	Assault and battery with intent to kill.
do 4.	Martin O'Callaghan.....	Assault and battery.
do 4.	John Simmons.....	Carrying concealed weapons.
do 14.	Edward J. Shea.....	Assault and battery with intent to kill.
do 19.	John Thomas.....	do do
do 19.	Annie Johnson.....	Grand larceny, dwelling house
do 24.	Frederick W. Erikson..	Carrying concealed weapons
do 24.	Francis Herman.....	do
April 2.	John Grady.....	Felony.
do 4.	Atwood Davenport....	Assault and battery with intent to kill
do 8.	Theo. B. Lippincott....	Embezzlement and grand larceny.
do 24.	John O'Neill.....	Petit larceny.
June 6.	Stephen Phalon.....	do
do 6.	James Sullivan.....	Petit larceny
do 6.	Hugh Stewart.....	Assault and battery.
do 10.	Edward Stewart.....	Concealed weapons.
do 16.	James Connelly.....	Assault and battery with intent to kill.
do 18.	Charles Stewart.....	do do
do 20.	Henry Frank.....	Grand larceny.
do 20.	James H. Drake.....	Forgery, third degree.
do 25.	Thomas Chadwick....	Burglary, third degree and grand larceny.
do 25.	Frank Golenser.....	do
do 25.	James Sullivan.....	do
do 27.	Amelia Levy.....	Petit larceny and receiving stolen goods
August 13.	William E. Reilly....	Assault and battery with intent to kill.
do 14.	Edward D. S. Vaman..	Burglary and grand larceny.
do 14.	Stephen M. P. Rice..	do
do 14.	William H. Mackey..	do
Sept. 10.	John Scully.....	Grand larceny.
do 10.	Charles Gilroy.....	do
do 23.	Mary McCormick....	Assault and battery with intent to kill.
do 23.	Lewis Warschausky..	Grand larceny and receiving stolen goods.
October 3.	William L. Becker....	Vending poison.
do 21.	Jane Woods.....	Disorderly house.
do 29.	Casper Kassinger....	Selling lottery policies.
Nov. 14.	Charles Tapper.....	Assault and battery with intent to kill.

- Dec. 2. Charles Howe.....Petit larceny from person.  
do 9. Madeline Pinkerville..Disorderly house.  
do 11. Edward Hallohan....Petit larceny from person.  
do 18. William H. Larne....Assault and battery with intent to kill.
- 1874.
- Jan. 12. Mary Lyons.....Grand larceny.  
Feb. 20. Mary Moore.....Grand larceny and receiving stolen goods.  
March 13. William Rafter.....Grand larceny.  
do 18. Alexander Mitchell... do  
do 19. Gilbert McLaughlin..Petit larceny and receiving stolen goods.  
do 19. Thomas Price..... do  
do 27. Thomas R. Wiley....Burglary 3d degree and receiving stolen goods.  
do 27. Henry Hawkins..... do  
April 15. Peter Smith.....Assault and battery with intent to kill.  
May 12. Charles O'Brien....Burglary third degree and grand larceny.  
do 12. Charles Churstmann do  
do 13. John Devos.....Forgery third degree  
do 22. Charles Schiffer....Assault and battery with intent to kill.  
do 22. Michael Kiernan.... do do  
June 3. Louis Corretta....Concealed weapons.  
do 5. William Clifford...Grand larceny.  
do 9. Jacob Minker.....Burglary first degree and grand larceny.  
do 9. Michael Laudraf.... do do  
do 9. Andrew Kilbrich... do do  
do 9. James B. Mulhall...Embezzlement and grand larceny.  
do 9. Benjamin Brown....Forgery third degree.  
do 9. Edward Bryan.....Concealed weapons.  
do 9. Willam C. Vass.... do  
do 17. John W. Elder.....False pretenses.  
July 21. Thomas Mack.....Burglary third degree.  
August 21. Maggie Wood.....Grand larceny from person by night and receiving stolen goods.  
do 6. Charles A. Pack....Grand larceny.  
do 6. do Forgery third degree.
- 1874.
- Sept. 30. John Howe.....Grand larceny and receiving stolen goods.  
Oct. 7. William McGuire.....Petit larceny,  
do 7. Edward Gunn..... do  
do 13. Marion Roberts.....Assault and battery with intent to kill.  
do 13. Philip Nolan.....Grand larceny and receiving stolen goods.  
do 13. Edward Brown..... do  
do 16. Henry Lang.....Assault and battery with intent to kill.  
do 16. John O'Brien..... do  
do 27. George Hill.....Grand larceny.  
do 29. Patrick Sweeney.....Assault and battery with intent to kill.  
Dec. 3. Thomas B. Wandell....Grand larceny.  
do 9. Abraham Schinknight... do  
do 9. Auguste Barthel..... do  
do 11. James Raymond.....False pretenses.  
do 16. James Eagan.....Burglary, first degree.  
do 21. James B. Cnegser.....Grand larceny.
- 1875.
- Jan. 27. Horace Marks.....Grand larceny and receiving stolen goods.  
do 27. Herman P. Uhlbrock...Embezzlement and grand larceny.  
Feb. 5. Thomas Maher.....Assault and battery with intent to kill.  
do 5. Frank Mitzennixy....Grand larceny and receiving stolen goods.  
do 12. John Kelly.....Grand larceny from person in the night.  
do 15. James Houghtalin....Grand larceny.  
do 23. James Carney.....Assault and battery with intent to kill.  
do 23. Thomas Fitzgerald.... do  
March 30. Henry Doleman.....Petit larceny and receiving stolen goods.  
do 30. Denis Meany.....Concealed weapons,  
do 30. Charles E. D. Pullman..Embezzlement and petit larceny.

May 11.	John Smith.....	Grand larceny.
do 19.	Robert Braid.....	Assault and battery.
do 26.	Henry Swift.....	Burglary, third degree.
do 26.	Herman Smith.....	Petit larceny and receiving stolen goods.
do 26.	do .....	Concealed weapons.
June 1.	Andrew Roth.....	Grand larceny.
do 10.	Mary Ann Skeely.....	Grand larceny and receiving stolen goods.
do 14.	Patrick Finan.....	Petit larceny from person.
do 14.	John Troy.....	Concealed weapons.

What more flagrant violation of law could be conceived than this? The only pardoning power recognized by law is that reposed in the Governor, and even he is not vested with the power of "suspending sentence after conviction," except in the case of high treason, and for a limited period. (Constitution, art. 4 sec. 5.)

Moreover, when a pardon is issued the crime is condoned, but when sentence is suspended the criminal is free only during the will of the judge; a power which never was intended to be, and never was vested in any judicial officer.

In view of the above cases where Recorder Hackett has illegally shielded criminals from the punishment which the law required him to inflict, what becomes of the panegyrics that have been heaped upon him as "a strict and impartial judge," "a terror to evil doers," etc.?

Is it not evident that, while he at times imposes the most severe sentences, entirely disproportionate to the offence committed, yet that such sentences are only imposed upon the poor and unprotected, the influential criminals having their sentences suspended?

Verily, Recorder Hackett may well be called "*the poor man's judge*."

#### THE FEES PAID HACKETT BY THE RING.

The rapacity of Hackett has exceeded that of any judge that has ever occupied the position of Recorder, or, in fact, any other judicial position.

In 1866, his salary as Recorder was .....	\$5,250 00
and he drew as member of the Board of Revision and Correction of Assessments..	819 90
	<hr/>
	\$6,069 90
besides office rent and clerk's hire,	
his entire receipts from the city being.....	9,812 40



In 1867 he drew salary as Recorder . . . . .	\$7,000	
Commissioner of Sinking Fund . . . . .	1,000	
Board of Revision and Correction . . . . .	1,000	
		———— \$9,000 00
besides office rent and clerk's hire, his entire receipts being . . . . .		\$17,489 50
In 1868 he drew Recorder's salary . . . . .	\$10,000	
1869 Sinking Fund Commissioner . . . . .	1,000	
Board of Revision and Correction . . . . .	1,000	
		———— \$12,000 00
Besides office rent and clerk's hire, his entire receipts being, 1868, \$18,491 ; and 1869 . . . . .		\$18,990
In 1870 he drew as Recorder's salary . . . . .	15,000	
Commissioner Sinking Fund . . . . .	1,000	
Board of Revision and Correction . . . . .	1,000	
		———— \$17,000 00
besides office rent and clerk's hire, his total receipts being . . . . .		\$25,406 67
1871 he drew salary as Recorder . . . . .	\$15,000	
" " " Supervisor . . . . .	2,000	
Board of Revision and Correction . . . . .	1,000	
		———— \$18,000 00
his receipts from the city being together . . . . .		\$26,540 00

He has also filed a claim against the city for \$1,000 a year as Commissioner of the Sinking Fund which Mr. Green has not paid.

1872 to 1874 he drew salary as Recorder . . . . .	\$15,000	
" " " Supervisor . . . . .	2,000	
		———— \$17,000 00

(The Comptroller having declined to pay him his salary as Sinking Fund Commissioner or member of Board of Revision,) besides his office expenses, his total receipts from the city being: in 1872, \$24,472; 1873, \$22,153.33; 1874, \$22,820.

The first specimen of his greed was given on his entry into office as Recorder. Although this did not take place until March, 1866 yet Mr. Hackett claimed and received from the public treasury over \$1,166 for salary from January 1st to the date of his appointment, during *which period there was a vacancy*.

Not being contented with the very ample salary, (although since doubled), which he received in one capacity or another,



Recorder Hackett during the twenty-two months succeeding January, 1st. 1866, received for counsel fees for services which Richard O'Gorman, the Corporation Counsel, certified he had rendered to the City at his request, *twenty-one thousand seven hundred and twenty-seven dollars and fifty cents*, a detailed statement of which, taken from the books of the Comptroller is hereto annexed, marked A.

Of this he received for services rendered in 1866,	\$13,727	50
“ “ “ “ “	1867,	8,000 50
		Total, 21,727 50

All this be it remembered for services rendered entirely outside the duties of his office which demanded his whole time and attention.

This matter acquired such notoriety, and was considered so undignified—to use no harsher term—that it was brought before the notice of the Grand Jury of the County by the Citizens Association of New York in a letter dated, October, 1868, in which they used the following language :

“The Association submit that it is an improper practice, and calculated to bring the bench into disrepute, that a criminal Judge should be permitted to receive, while serving in a judicial office, large fees from other departments of the government. The Association submits that if a high judicial officer in addition to his salary shall be permitted to receive large emoluments for the practice of the professions of the law from the co-ordinate branches of the Government, he may become more or less partial in viewing the conduct of the officials who contribute so largely his income, and inimical to all persons or associations striving to prevent excessive expenditures of the public money.”

What citizen is there who does not consider that the Citizens, Association in using this language expressed the feeling of the community in regard to the conduct of Recorder Hackett in receiving these fees, and that in view of his conduct, (as shown by Mr. Peckham's letter on page two) when his friends of the ring, through whose influence these vast sums of money were paid him, were brought before him for trial it is apparent that they correctly apprehended that the consequences of his accepting them would be to render him “more or less partial in viewing their conduct.”

#### HACKETT'S FRAUDULENT RECEIPTS AS COMMISSIONER IN STREET OPENINGS.

John K. Hackett together with John J. Bradley and Charles G. Halpine was appointed July, 31, 1866, to lay out a public place known as “The Circle,” at the intersection of Eighth

Avenue and Fifty-ninth Street, with a radius of two hundred and twenty-six feet. The circumference was 1,357 feet, and included about three and one-half acres, more than one half of which had previously belonged to the city as part of the streets and of the Central Park.

The duty of the Commissioners was to estimate the value of the private property taken and to assess the cost upon the property benefitted. A task which was exceedingly simple, the amount of condemned private property being very small, less than two acres, and being entirely owned by only twenty-seven persons.

During the entire progress of the work of the Commissioners Mr. Hackett, who was their chairman, was as above shown, drawing pay from the city as Recorder and member of the Board of Revision and Correction of Assessments, and also as special counsel for the trial and argument of city causes.

In the interim of leisure left him from these other remunerative occupations Mr. Hackett found time, with the assistance of his two fellow-Commissioners, one surveyor, one clerk, one assistant clerk, (James M. Sweeny), and nine appraisers, to complete his arduous labors and submit his report on the fourteenth day of November, 1867, about fifteen months after his appointment.

It will be hard to be believed possible that the bill of costs for the fees and expenditures of these Commissioners for taking these two acres of private property, amounted to \$26,331.91<sup>c</sup> and yet this is the sum which was paid to them as allowed by Judge Barnard.

The law of 1862 (chap. 483, sec. 1) provides that "the compensation to the Commissioners in any proceeding hereafter to be commenced, for opening or altering any street or avenue in the city of New York, north of Fourteenth street, shall not exceed in the aggregate, exclusive of necessary disbursements hereinafter mentioned, the sum of thirty cents a foot for the lineal extent of the street or avenue, or the portion thereof so to be opened or altered."

Under this rule the compensation to all the Commissioners (the lineal extent of the circumference of the improvement being 1,357 feet) should have been \$417.10, the share of each of the three being \$139.03.

For this service Mr. Hackett claimed and received \$3,000.

It is understood that when this was suggested to Mr. Hackett, and he was asked how he could claim such an allowance in view of the law restricting the fees to 30 cents per lineal foot, he replied; "We measured a spiral line commencing at the center and screwing its way out." This would certainly seem to be a "ring" and not merely a circle proceeding.

Irrespective of the statute, this charge cannot be refuted, that considering the area of this improvement, the charges of the Commissioners and their bill of costs are more excessive and exorbitant than any other that has ever been presented, and coming so early as they did in the history of the ring improvements, may be fairly said to have opened the way for the frightful series of overcharges which have sucked the money from the pockets of our property owners.

It therefore appears that these incursions on the public treasury were from the first countenanced and accepted by one who at the very time was being paid by the city, as one of its legal advisers and judges, to protect its interests against wrong—John K. Hackett.

An official copy of the taxed costs is appended:

SUPREME COURT.—In the matter of the application of the Commissioners of the Central Park, for and in behalf of the Mayor, Aldermen and Commonality of the city of New York, relative to widening Broadway from Fifty-seventh and Fifty-ninth streets, and the laying out of a public place, circular in form, at the intersection of Eighth avenue and Fifty-ninth street, in the city of New York.

COSTS, CHARGES AND EXPENSES IN THE ABOVE ENTITLED MATTER.

John K. Hackett, Commissioner . . . . .	\$3,000 00
John J. Bradley, Commissioner . . . . .	2,500 00
Charles G. Halpine, Commissioner . . . . .	2,500 00
Gardner & Sage, Surveyor . . . . .	4,969 66
Edward J. Wilson, Clerk . . . . .	1,750 00
James M. Sweeney, Assistant Clerk . . . . .	1,250 00
Edward J. Wilson, drafting and copying report . . . . .	4,746 35
Edward J. Wilson, room rent . . . . .	150 00
Edward J. Wilson, amount paid for livery . . . . .	12 00
William C. Rogers & Co.; printing and stationary . . . . .	351 40



Alexander H. Keech, printing notices . . . . .	19 50
John Dunn, printing notices (thirty and ten-day . . . . .	150 00
John Doyle, printing notices twenty.day . . . . .	50 00
Michael Gehegan, Appraiser . . . . .	500 00
John Scott, Appraiser . . . . .	600 00
Sylvester E. Nolan, Appraiser . . . . .	500 00
Hans Scudder, Appraiser . . . . .	500 00
John Molloy, Appraiser . . . . .	500 00
James Hume, Appraiser . . . . .	500 00
Anthony J. Blecker, Appraiser . . . . .	220 00
Edward H. Ludlow, Appraiser . . . . .	220 00
Adrian H. Muller, Appraiser . . . . .	220 00
Advertising notices . . . . .	1,123 00

Total . . . . . \$26,331 91

I hereby tax and allow the foregoing bill of costs, charges and expenses at the sum of \$26,331.91, this eighteenth day of November, 1867.

GEORGE G. BARNARD,  
Judge Supreme Court.

In addition to the above, Hackett received as Commissioner for widening Broadway, from Fifty-seventh to Fifty-ninth street, (two blocks), two thousand nine hundred and thirty-seven dollars (\$2,937.00), the entire cost of the Commissioners being the modest sum of \$25,932.83.

Mr. Hackett not only appears to have looked out for himself, but for his relations and friends.

It will be recollected what capital is being made by the supporters of Recorder Hackett upon his high-toned refusal to allow Tammany Hall to interfere with the officers of his court. The following list of such officers will show his real reasons. .

1st. *O. Decatur Hall*, brother-in-law to the Recorder, is in the Recorder's office, salary \$3,000.

2d. *Edward J. Hall*, Deputy clerk of the Court of General Sessions, is the Recorder's nephew, salary \$3,000.

3d. *John Hall*, another family connection, is an officer of the Court of General Sessions.

4th. *Owen P. Flanagan* is employed as managing clerk, and to appear nominally as attorney in the Recorder's private law business, and is on the pay-roll as an officer of the Court of General Sessions.

Gould's Law Directory, which purports to be "a complete list of practising lawyers in the city of New York," has

In the years 1871,	}	JOHN K. HACKETT, Lawyer, 317 Broadway.
1872, 1873, 1874,		OWEN W. FLANAGAN, " 317 "
1875,		WILLIAM V. LEARY, " 317 "

The latter gentleman appears to have commenced in 1872 as first clerk in the Recorder's office, salary \$3,000.

In addition to the above Recorder Hackett numbers among his employees Michael Ryan, alias Coachee (ex-Mayor Hall's coachman), appointed as officer of the General Sessions by Hackett. Officers Evans and Reilly appointed through Ben. Wood, and McCluskey and McDonald appointed through "Jimmy" O'Brien.

After perusing the foregoing matter it will be somewhat refreshing to read the reply of Dr. Feodore Mierson, (which appeared in the *Tribune* on the 3d of January, 1874) to Recorder Hackett's letter. His answer, which until now seems to have been made his main stock in trade, sensibly diminishes in value.

Dr. Mierson's letter is as follows :

NEW YORK, January 2, 1874.

*The Hon. J. K. Hackett, Judge Court of General Sessions :*

DEAR SIR : Your communication of date the 29th ultimo, a true copy of which I find published in the papers of to-day, was handed to me by one of your messengers at my residence, 257 East Forty-eight street, late on the evening of the 31st.

Your answer to my inquiry whether "you would be willing to consider applications for subordinate positions in your Court upon the recommendation of suitable persons therefor by our committee," calls for a reply. I acted in that matter not upon my individual responsibility but in my official capacity as Secretary of the committee, and upon its recommendation. In making our request for a subordinate clerk and Court officer we had not the slightest idea that we should be deemed guilty of trespassing upon the independence of the august Court or in any manner seeking to soil the spotless ermine of the judiciary. But as it is well known that some of the Courts do not reach your excellent standard of "reliable, unbribable and discreet," as it is known that one officer of your Court has been removed and his place supplied by a protege of ex-Senator Harry Genet, now a fugitive from justice ; as it is also stated upon what we believe to be good authority that one of the present officers of the same Court formerly kept a house of resort for professional thieves ; as a number of appointments in the courts have been made upon the recommendation of political parties, such as Apollo Hall, the Republican and other political organizations, we thought and still think it would be rather in the interests of justice if some of the officers of the courts—including such as above mentioned and such as are mere body-guards and house-servants, the creatures of the old Ring—were replaced by honorable and competent men who are in sympathy with earnest efforts now going forward to secure honest government.

It may be that the consideration of our request would necessitate the removal of some protege of some one or another of your friends with whom you maintain personal relations of the most intimate character. Gratitude is a sentiment in which any man may feel a just pride, and it is no doubt a pleasure to your friends that you display it in such an eminent degree even in your judicial capacity. It is doubtless this distinguishing trait in your character that impels you to say that "privately your sympathies are most ardent in their Democratic tendencies."

I could assign a number of reasons and facts, but deeming the above sufficient for the present will reserve them for the future, and remain with esteem, your obedient servant,

DR. FEODORE MIERSON.

## RECORDER HACKETT AS A SUPERVISOR.

Recorder Hackett became a member of the Board of Supervisors in July, 1870, by virtue of his office of Recorder, and remained a member during the worst period of the Ring rule, receiving an extra salary of \$2,000 for his services as a Supervisor. It was as much his duty to see that the business of that Board was conducted honestly as it was to perform any other of the duties of his office. The fraudulent acts of this Board of Supervisors were town talk, and if Recorder Hackett had been the upright, impartial magistrate he is now asserted to be he would have fought them to the bitter end, and if out-voted by his colleagues, called the attention of the Grand Jury to their action, this being the very purpose for which the Recorder was made a member of the Board of Supervisors.

Yet Recorder Hackett's voice was never raised, nor is his vote recorded against a single one of the fraudulent measures passed by the Board, of which he was a member, and for a knowledge of whose acts he was responsible. On the contrary, it appears by the official records that Recorder Hackett voted for a large number of the fraudulent armory jobs, such as the leasing of the premises at Ninth avenue and Twenty-seventh street, for twelve years, at \$12,000 a year, those at 118 to 128 West Twenty-second street, for six years, at a rent alleged to be five times what the premises were really worth, and also the Centre Market job. Subsequently he voted for repairs to the latter building amounting to upwards of \$28,000. On the 13th of December, 1870, he voted \$11,000 for pay to forty-nine attendants of the Court of Oyer and Terminer. On the 12th of January, 1871, he voted for \$16,000 for sixty-four attendants for said court, and on May 1st, for forty-one attendants for said court, which, as a judge, he must have known was fraudulent. He also voted for Tracey's bill for \$16,000 for supplies to the County Jail, which has since been defeated in the courts; for Morgan Jones' plumbing bill for over \$6,000 for the same jail, and, in fact, invariably voted in favor of paying every bill which was brought before any of the meetings of the Board which he attended.

It cannot be pretended but what, as Recorder Hackett must be considered to possess ordinary common sense, he must have known that the transactions of the Board of Supervisors during this time were fraudulent, and that the bills for which he voted



were of the same character. Even, however, if he did not know this, the least investigation would have assured him of what was a matter of public notoriety, that the taxpayers were being swindled in a most outrageous manner by the action of the Board of which he was a member. If, therefore, he blindly shut his eyes to the character of their transactions, it was because he did not want to know it, and he is, consequently, as much to blame as if he had been an active participant in the frauds. His record as a Supervisor, therefore, shows him to be something very different from the active and vigilant officer which he is now asserted to be.

#### RECORDER HACKETT AS A COMMISSIONER OF THE SINKING FUND.

Among other responsible positions held by Recorder Hackett was that of one of the Commissioners of the Sinking Fund, for which he regularly drew a salary, \$1,000 a year, until Comptroller Green ascertained that he had no right to receive it and refused to pay him. During the year 1871 Mr. Hackett's colleagues were his old friend, Mayor Hall, in addition to Comptroller Connolly and Alderman Dimond, and his actions were precisely those that might be expected from a man found in such company.

On June 19, 1871, Recorder Hackett and Comptroller Connolly were appointed a committee to agree with William C. Traphagen in regard to securing the possession of certain lands held adversely to the city.

The lands in question were certain water grants, the facts in regard to which were well known. They could only be recovered by legal proceedings, and the Corporation Counsel, as the legal representative of the City, and the counsel of the Commissioners of the Sinking Fund, was the proper person and the only one authorized to institute them. Moreover, as the owners of this property were *bona fide* purchasers from the City, it would have been grossly unjust to deprive them of it upon a technicality. Yet Mr. Hackett and Comptroller Connolly, under the authority thus vested in them by the Commissioners of the Sinking Fund, coolly entered into an agreement with William C. Traphagen, placing the entire matter of recovering those lands in his charge, and agreeing to advance all money he

should require for disbursement, and to pay him for his services *one-half their value*, which agreement was confirmed by the vote of Messrs. Hall and Dimond.\*

\* See the extract from the official record hereto annexed at page 30, and marked B.

That this was not only an utter violation of law but a plain and transparent fraud upon the public needs no argument. It is demonstrated, however, by the action of the new Board of Commissioners of the Sinking Fund, in 1874, then consisting of Mayor Havemeyer, Comptroller Green, Chamberlain Lane, Recorder Hackett, and Alderman Van Schaick, by whom the following resolution was passed, April 1, 1874, after a thorough ventilation of the whole subject :

*Whereas*, On the minutes of the Commissioners of the Sinking Fund there appears a writing purporting to be an agreement entered into on the 20th of July, 1871, between the Commissioners of the Sinking Fund and one William C. Traphagen relative to furnishing information in relation to the recovery of city property held adversely to the Mayor, Aldermen and Commonalty of the city of New York : and

*Whereas*, The Commissioners of the Sinking Fund are of the opinion that said pretended agreement is without authority of law, and wholly operative and void, and that if said pretended agreement were to be deemed and held binding and valid and effective by the Commissioners the interests of the city would be greatly embarrassed and damnified, and great loss would accrue : and

*Whereas*, The said pretended agreement would, if held valid, afford great opportunity for oppressive measures upon innocent parties ; therefore—be it

*Resolved*, That a certain resolution of the Commissioners of the Sinking Fund purporting to authorize the execution of such pretended agreement, and the pretended adoption thereof, as the act of the Commissioners of the Sinking Fund on the twenty-fifth day of July, 1871, be, and the same is hereby vacated and set aside, rescinded, abrogated and cancelled, and that such pretended agreement is hereby declared to be void and of no force and effect.

It is scarcely necessary to add that Recorder Hackett opposed this recession of his action to the utmost, moving to strike out of the resolution the words "purported" and "pretended" (so as to leave Traphagen some shadow of a claim), then attempting to pigeon hole the matter by moving to refer it to the Corporation Counsel, and finally voting against it.

The New York *Times*, the day after the repeal of this contract (April 2, 1874), spoke of it as the anti-type of the celebrated Sanborn contract, as a "*highly symmetrical job*," and as exhibiting a boldness of conception not dreamt of by the collectors of federal taxes (referring to the outcry then going on about Jayne). The *Times* stated further:

"That the whole ground had been covered by the most copious and precise judicial decisions; the Revised Statutes had re-enacted and simplified all the essential legislation  
"on the subject \* \* \*

"His (Traphagan's) theory went to the extent of holding that a grant made in good faith and duly paid for might still be "held adversely" to the corporation and without good  
"title \* \* \*

"This, then, briefly, was the nature of Mr. Traphagan's contract. The same Board which had confirmed the titles and taken the money of the owners of city water grants empowered a smart lawyer to contest, at the city's expense, the validity of those titles, and if he found a flaw in them to dispossess the owner and take half the proceeds \* \* He might be able for years to harass proprietors along the whole water front without risking a cent of his own money, and without failing, if so minded, to be very well paid for the expenditure of  
"his own time.

"Nor was this all. Suppose the contiguous proprietors, who had taken and paid for their grants in good faith, had been dispossessed by Mr. Traphagan. They could hardly fail to have a right of action against the Sinking Fund for the recovery of the money paid for a worthless title. While the Commissioners were putting into one pocket half the realized value of a recovered grant they would therefore have had to take out of the other the whole amount originally paid for it \* \* \*

"Had Hall, Conolly and the rest of the Ring Commissioners remained in power they could have provided a magnificent field for the enterprise of their contractor. They had only to leave some legal flaw in their grants of water rights to be readily detected by Mr. Traphagan and to be used for the expropriation of the innocent proprietor."

In view of the fact that the author of this *highly symmetrical job*, and one of the *Ring Commissioners* who approved it, was Recorder John K. Hackett, the eulogies which the *Times* now heaps to him seems a little strained.

#### RECORDER HACKETT AS A PROTECTOR OF THE RING.

In Mr. Peckham's letter, which is printed on page two, it appears that Recorder Hackett not only interfered to stop the trial of Mayor Hall before Judge Daly, (which then looked very much as if conviction would be had), but that he quashed the indictment against Hugh Smith upon a false assumption of the law, and consented to a *not pros.* not only of the indictment against Smith, but of those against Sweeny, Tweed, and Woodward.

But this was not the only occasion in which he interfered on behalf of the Ring. It will be remembered that in September and October, 1868, the Citizens' Association of New York, which had not then fallen into the hands of the Ring, published a number of communications in regard to the way in which the affairs of the city were being conducted by those officials. For the purpose of over-awing them by threats of criminal prosecution, Recorder Hackett, in his charge to the Grand Jury on October 7th, 1868, made the following charge:



"For some time past, and more especially within the past few weeks, various charges of non-feasance and misfeasance against public officers have been published in the shape of letters purporting to have emanated from a body styling itself a 'Citizens' Association.' If the charges adverted to had been susceptible of legal proof then they should have been long since presented for the consideration of a police magistrate or of a grand jury of this county, but they appear to have been made on insufficient or hearsay or partisan or prejudiced testimony, and, therefore, they may possibly become libellous. One of the officials thus assailed has boldly charged over his own signature that there is practically no such body as the 'Citizens' Association;' that a few interested persons prepared and fulminated the charges in question on their individual responsibility. Thus, on the one hand, the so-called 'Citizens' Association' arraigns individuals, and, on the other, one individual arraigns the so-called association. In this connection I may be permitted to add that the existence of a star chamber secret in meeting and irresponsible in character, originated the institution of the Grand Jury as long since as the reign of Charles II., and if it be true, as charged by a communication before me, that the accusations proceeded from a few men, who, by large salaries and fees paid them, make a business of originating complaints not disinterestedly originated or fulminated then they are unquestionably libellous. The Grand Jury is a constitutional body, created to exercise just such functions as the Citizens' Association is charged to have impractically usurped. Besides we have in this city a vigilant and impartial corps of newspaper reporters and editors, who can and do arraign officers without the aid of any amateur reporters and impromptu editors, such as it is charged edit newspapers with letters signed by a so-called Citizens' Association. I would suggest that, in justice to the latter, you inquire if there really be such an association at the present time; its object, whether accusations are made by the action of its whole body, or by a few of its members, of whom such body or such committee consists; whether the association holds meetings, how much its officers are paid, for what services, by whom paid; does it obtain evidence of the charges it purposes to make through its officers; if so, are such charges based upon legal evidence and what is the character of such evidence? Then, if you think the matter worthy of your attention, and in the furtherance of the public good, grasp that jurisdiction over offenses which they have usurped. But, if you find the association to be comparatively mythical and its agents to be pecuniarily interested in originating or publishing charges for which there is neither no or hearsay evidence, then, in justice, to those whom it has defiantly arraigned, indict them promptly for libel.

In reply to this unprovoked and illegal attack which threatened both the freedom of speech and the liberty of the press the Citizens' Association called the attention of the Grand Jury to the fact of the King frauds which had been perpetrated in the erection and fitting up of the Court House, the frauds in fitting up armories, and to Recorder Hackett's own conduct "in receiving \$21,750 for doing part of the work of the Corporation Counsel's office, although during the period when he was Recorder and drawing in such capacity a salary and allowance amounting during that period to \$15,000." And also declared "that in this country a public officer was the servant of the people, and that it was not only his right but the duty of every citizen to exercise the most diligent watch over the conduct of all officials, whether legislative or judicial, and that without such constant supervision, incapable and dishonest men may attain to the highest positions of the State, and even the courts may become sanctuaries for fraud *when dishonest judges may use their power for the suppression of virtue and encouragement of vice, the perversion of official morality, and for private gain,*"—which language most people considered to apply very closely to the conduct of Recorder Hackett.

A copy of this letter will be found at page marked C.

The Grand Jury, instead of following the lead of the Recorder and attacking the Citizens' Association which was doing its best to expose official wrong-doing, came into court on the twenty-third day of October, 1868, and through its foreman handed to Recorder Hackett the following presentment in regard to the matter of his charge:

The Grand Jury of the county of New York present for the information of the Court in reference to the charge concerning the Citizens' Association, that it is the right and duty of every citizen in a free country to exercise the strictest supervision over the conduct of public officers and the expenditures of the public money, and to lay before the people, whenever it may be necessary, facts affecting the public interests; also, that in this community, where the public money is to a great extent extravagantly expended, there is a necessity for an association whose object is to prevent improper expenditure. The Grand Jury present it as their opinion that the Citizens' Association of New York has striven zealously and efficiently to protect the public interest, and is entitled to the respect of the community.

Recorder Hackett handed the presentment among other papers to the Clerk of the Court. Mr. Hall was District Attorney. *The presentment was subsequently suppressed* on the ridiculous pretext that it should have been signed also by the District-Attorney. Mr. Hall went before the Grand Jury and lectured them, stating among other things that they had all been guilty of contempt of Court in presenting such a paper to the Recorder, and finally induced them to recall the paper. Instead of their proceeding to investigate the matter charged in the document sent by the Citizens' Association, an effort was made by the District-Attorney and others to indict the officers of the association for an alleged misdemeanor in having the audacity to address communications to the Grand Jury calling its attention to the frauds of certain officials. Of course this attempt was a lamentable failure.

How intimate Recorder Hackett's relations were with the worst portion of the Ring were, and into what company it led him may be inferred from the fact of his being a visitor at the residence of the celebrated "Josie" Mansfield.

#### JOSIE MANSFIELD AND RECORDER HACKETT.

Upon the trial and impeachment of George G. Barnard before the Senate in the Summer of 1872, Josie Mansfield was examined as a witness. The testimony will be found in Volume I pages 362 to 389. She testified that she lived with the late Jim Fisk in Twenty-third Street in this city.

The following evidence shows that Recorder Hackett was a visitor at her house :

Q.—Where did you reside in 1868 ?

A.—18 West 24th St.

Q.—Did you during that year see George G. Barnard at that house ?

A.—I did.

Q.—How often ?

A.—Once in three or four weeks.

\* \* \* \* \*

Q.—Have you seen William M. Tweed there ?

A.—Yes, sir.

\* \* \* \* \*

Q.—About what time did you move into the house in Twenty-third Street ?

A.—The first day of July, 1869.

\* \* \* \* \*

Q.—Now, what other public officers of the City of New York were you accustomed to receive at your house besides Judge Barnard?

A.—I have received Recorder Hackett.—Vol. I. Barnard Trial, page 389.

Is not this rather singular company for an “upright Judge,” a “terror to evil doers” to keep?

#### HOW HACKETT PRESERVES THE LAW AND PROTECTS HIS FRIENDS.

Although in the existing condition of public sentiment Recorder Hackett does not dare to proceed to the length in which did in this attack upon the Citizens' Association, yet he still does all in his power to save his friends from punishment.

Morrissey, O'Brien and Ben Wood are his warm supporters, through whose influence he obtained the anti-Tammany nomination. They are universally known as gamblers and lottery dealers, and would be injured if the provisions of law affecting their interests were to be carried out.

The following comparison between the charge of Recorder Hackett to the Grand Jury, and the provisions of law directing what he ought to charge, affords a striking example of the manner in which he performs his duty as Recorder, so as to protect Messrs. Morrissey, Wood & Co:

#### CHARGE TO THE GRAND JURY.

(From the N. Y. *Herald* Sept. 8, 1875.)

At the opening of the Court of General Sessions yesterday Recorder Hackett delivered the following significant charge:

“I am required by sundry special statutes to invite your particular attention to certain vices and crimes. First gaming houses, although few, except private clubs, now appear to exist. Second—Offenses against the Excise laws, although the Commissioners seem to handle the subject with discrimination.

Third—Emigrant frauds, although the preventives and safeguards established under the earlier *regimes* of Castle Garden seemed to have killed them.

Fourth—Lotteries; but these are entirely drawn in States and counties where law permits them.

Fifth—Usury; although the buying and sale of commercial paper and securities as commodities seem to have superseded undue discounts or interest loans.



Sixth—Election misdemeanors, which just now can only relate to those which may occur under the appointment of inspectors of registration.

In addition to these subjects I invite your attention to the prison calendar. The Tombs is crowded with criminal scholars and graduates. After a species of interregnum to vice and crime during the spring, immorality and offences seem to have constituted throughout the summer just ending almost an epidemic, if that word may be applied to diseased conscience and perverted will."

The following are the provisions of law prescribing what such a charge should contain :

"It shall be the duty of the presiding judge of every Court of General Sessions of the Peace *specially* to charge every Grand Jury to inquire into *all* violations of the laws against lotteries, and against the unlawful selling of tickets in lotteries."

Chap. 20, art. 4 of part 1 of Edmund's Ed. Rev. Stat., sec 54.

#### EXCISE.

"It shall be the duty of Courts to *instruct* Grand Jurors to present all persons who may be charged with adulterating imported or other intoxicating liquors, &c., and selling the same, &c., &c."

Chap. 628, sec. 29 of law passed April 16, 1857.

#### ELECTION FRAUDS.

The Recorder is also required to "*specially*" charge Grand Juries in regard to the subject of election frauds.

Laws of 1839, chap. 389, sec. 18.

#### OBSCENE LITERATURE.

"It shall be the *duty* of the Presiding Judge of every Court of Sessions, or Oyer and Terminer, within this State, *especially* to charge the Grand Jury, at each term of said Court, to take notice of all offences committed in violation of any of the provisions of this act."

Laws of 1863, chap. 430, sec. 4, passed April 28th.

#### RECEIVING ILLEGAL FEES.

"It shall be the duty of *every* Court at which a Grand Jury shall be summoned, to charge such jury *specially* to inquire into any violations of law by public officers in demanding charging or receiving fees to which they are not entitled by law."

Laws of 1847, chap. 455, sec. 17, passed Dec. 14th.

#### DISCLOSING PROCEEDINGS OF GRAND JURIES.

"In charging Grand Juries the Court *shall* apprise them of the foregoing provision forbidding the disclosure of the fact that any indictment has been had."

Part 4, chap. 1, tit. 6, sec. 41, of rev. stat. (Edmunds Ed.)

*Hackett must admit his ignorance of the law or else he was guilty of three distinct misdemeanors in that charge; to wit, in not charging in reference to "Obscene Literature"—"Illegal fees" and "disclosing proceedings."*

The statute reads, "Where any duty shall be *enjoined* by law upon *any public officer*, or upon any person holding any public trust or employment, every wilful neglect to perform such duty where no special provision shall have been made for the punishment of such delinquency, shall be a *misdemeanor*, punishable as herein prescribed."

Part 4, chap. 1, tit. 6, sec. 38, rev. stat. (Edm. Ed.) Sec. 40 of same chap. prescribes as punishment for such offense, "County

Jail not exceeding one year, or by fine not exceeding \$250, or by both such fine and imprisonment."

HIS OMISSION DELIBERATE NOT ACCIDENTAL.

But outside of his failure to comply with the statutes his charge was still more outrageous in its evident intent to *withdraw* the attention of the jury from investigating the real causes of crime in this city which the law made it his duty to call to their attention.

1st. He told them that there are few, if any, gambling houses in town.

*Everyone* knows that now (under the very noses of the police) gambling is carried on in every part of the city.

2d. He tells them that "the Commissioners seem to handle the Excise Laws with discrimination," when he knew perfectly well that there were a large number of persons of notoriously bad character, selling liquor without a license throughout the city.

3d. He withdraws the subject of lotteries from their attention by telling them "that they are entirely drawn in states and counties where the law permits them."

He knew *at the time* he then tried to thus mislead the Grand Jury, that there were hundreds of lottery indictments lying untried in the District Attorney's office.

He knew *at the time* that it was illegal to sell a lottery ticket here, even though the lottery was drawn in a state which authorized it.

He knew *at the time* that it had been determined by the highest Court in the State that it was a misdemeanor to publish an account of a drawing of a lottery to be had in another state, and that the law was constantly infringed.

He knew at the time that he made that charge that one of the principal editors of one of the city newspapers was under indictment for breaking the law on this subject, and that he was daily defying the law by repetitions of the offence.

He also knew when he was misleading the jury in this way that gambling, selling lottery and policy tickets, and infringement of the election laws, produced more private and public demoralization than anything else, and led to most of the individual crimes he was called upon to punish.

HACKETT'S BLUNDERS AS A JUDGE.

When a judicial officer who, in addition to his duties as a criminal Judge, Supervisor and Commissioner of the Sinking Fund, for which he receives from \$15,000 to \$17,000 a year, undertakes to earn (?) \$15,000 a year in addition by acting as Assistant Corporation Counsel, Commissioner in opening Streets, and keeping a private law office, he naturally cannot be expected

to be very conversant with his duties as a Judge, or to make himself conversant with criminal law, consequently it is not a matter of surprise to find Recorder Hackett constantly making the most extraordinary decisions. Mr. Peckham's letter shows that in the case of quashing the Sweeny indictments Recorder Hackett decided erroneously. Still, the friendly relations which existed between Hackett and the Ring were such that it would be more proper to ascribe this decision to friendship, gratitude for past favors, or some other similar influence than that of mistake.

In the majority of cases tried before Recorder Hackett the parties are poor and friendless and unable to bear the expense of an appeal, but in those cases where appeals are taken the proportion of his decisions which are reversed are greater than those of any other judge who sits on the bench.

Thus, out of forty-nine appeals that have been found to have been taken from his decisions (being all that were taken from January 19, 1863, to March 5, 1875), no less than TWENTY-TWO (22) reversals were reported.

The cases reversed on appeal from the Court of Sessions were as follows:—

Date.	Name of Prisoner.	The Judge before whom tried.	By which Court overruled and New Trial granted.
Jan. 12, 1871.	John Pureell.	Hackett.	Supreme Court, Gen'l Term.
Feb. 13, 1868.	Margaret Welch.	Hackett.	Supreme Court, Gen'l Term.
May 25, 1868.	John Wilson.	Hackett.	Court of Appeals.
June 3, 1869.	Louis Baccio.	Hackett.	Court of Appeals.
June 21, 1870.	James Hannegan.	Hackett.	Court of Appeals.
April 25, 1871.	Jerome Bradley.	Hackett.	Supreme Court, Gen'l Term.
April 25, 1871.	Patrick McDonald.	Bedford.	Supreme Court, Gen'l Term.
May 25, 1871.	Henry W. Gaston.	Hackett.	Supreme Court, Gen'l Term.
June 2, 1871.	Henry McCord.	Hackett.	Court of Appeals.
June 21, 1871.	Frederick N. Remsen.	Hackett.	Court of Appeals.
Nov. 1, 1871.	Thomas Lookup Evans.	Bedford.	Court of Appeals.
Nov. 16, 1871.	William H. McNevin.	Bedford.	Supreme Court, Gen'l Term.
Jan. 30, 1872.	Ann E. Burns.	Hackett.	Supreme Court, Gen'l Term.
April 2, 1872.	William Marx.	Hackett.	Supreme Court, Gen'l Term.
June 18, 1872.	Jacob Rosenweig.	Hackett.	Supreme Court, Gen'l Term.
Nov. 11, 1872. }	Henry Newman, alias "Dutch Heinrich."	{ Hackett.	{ Sup. Court, Gen'l Term.
Nov. 14, 1872.	Charles Moore.	Hackett.	Court of Appeals.
Nov. 19, 1872.	Abraham Greenthal.	Bedford.	Supreme Court, Gen'l Term.
Nov. 11, 1872.	Wm. J. Barclay.	Hackett.	Supreme Court, Gen'l Term.
Jan. 18, 1873.	Thomas Bell.	Hackett.	Supreme Court, Gen'l Term.
Feb. 5, 1873.	Anthony O. Jones.	Bedford.	Court of Appeals.
Feb. 25, 1873. }	Walter Brown, alias John Wood.	{ Sutherland	{ Court of Appeals.
April 23, 1873.	Peter Woods.	Hackett.	Court of Appeals.
May, 1873.	Elizabeth Ormby.	Sutherland	Court of Appeals.
May 19, 1874.	Patrick Carn.	Hackett.	Supreme Court, Gen'l Term.
June 20, 1874.	Edward Murphy.	Hackett.	Supreme Court, Gen'l Term.
Oct. 13, 1874.	Duncan D. Templeton.	Hackett.	Supreme Court, Gen'l Term.
Oct. 21, 1874.	Thomas Lanahan.	Sutherland	Court of Appeals.
Dec. 1, 1874.	Frederick Evers.	Hackett.	Supreme Court, Gen'l Term.
Jan. 21, 1875.	Thomas Cunningham.	Hackett.	Supreme Court, Gen'l Term.
Feb. 23, 1875.	James Burke.	Hackett.	Supreme Court, Gen'l Term.



Recorder Hackett's preeminent abilities as a Judge further appear from the fact that while his decisions have been reversed *twenty-two times*, those of his colleagues, Judges Bedford and Sutherland, have together been reversed but *eight times*.

Does not this show him to be a very Daniel come to judgment?

#### HACKETT'S JUSTICE.

The length to which this statement has extended will only permit a brief reference to the partial character of Recorder Hackett's decisions:

On October 5th, 1875, Hackett sentenced Charles H. Madden, aged twenty, to *twenty years' imprisonment* for entering his mother's room and taking eight dollars from her dress, which lay on a table, his father having forbidden him the house, on the ground that he had been guilty of burglary, it being extremely doubtful whether the entrance of a minor into his own father's house constituted such an offence. It is also but a short time since that he sentenced a poor Spaniard to *imprisonment for life* for setting fire to his store.

Yet in the case of the notorious "Johnny the Greek," one of the most dangerous pickpockets ever known, who was convicted of a daring larceny in a stage, and who richly deserved the full punishment allowed by the law, this "just judge" imposed a sentence of two years and six months, just half the full penalty, owing, it has been publicly asserted and never denied, to the intercession of the notorious "Jim" Irving, who sat at Hackett's feet during the trial.

In a short time after "Johnny" was again arrested and brought before Hackett, who accepted a plea of an *attempt to commit grand larceny*, and imposed a sentence of one year.

"Johnny," of course, escaped in a few weeks and was again arrested and discharged subsequently on some *hocus pocus* without ever been committed to serve out his term.

IN VIEW OF THESE FACTS, WHO CAN SAY THAT JOHN K. HACKETT SHOULD BE RE-ELECTED AS RECORDER?

A.

Statement of fees paid Recorder John K. Hackett for services in assisting Corporation Counsel O'Gorman.

FROM JANUARY 1, 1866 TO AUGUST 31, 1867.

9881

*Contingencies—Law Department.*

Jan. 24—John K. Hackett, for professional services during the year 1866, in the following suits vs. the Mayor et al. of New York City:

Jan. 5—	Trying action of Alexander White vs. The Mayor et al.....	\$175 00
Jan. 15—	Trying action of Wm. White, administrator, vs. The Mayor et al.....	500 00
Jan. 19—	Trying action of Phillip Mass vs. The Mayor et al.....	100 00
Jan. 24—	Trying action of Timmons vs. The Mayor et al.....	50 00
Feb. 9—	Trying action of W. L. Northam vs. The Mayor et al.....	100 00
	Retaining fee, &c., Wheaton vs. The Mayor et al.....	50 00
	Retaining fee and services in Hudson River Railroad Company vs. William R. Travers, Deputy City Inspector.....	100 00
Feb. 10—	Retaining fee and attendance in suit Kenzie Brice vs. The Mayor et al.....	50 00
	Retaining fee and various attendances and trying action of The Mayor et al. vs. De Witt C. Allen et al.....	500 00
	Trying action of James Q. Smith vs. The Mayor et al., before A. B. Tappan, referee....	250 00
	Trying action of Gideon Lee Knapp vs. The Mayor et al., before J. B. Haskin, referee....	500 00
	Trying action of Miller & Coates vs. The Mayor et al., before James Kent, esq., referee.....	250 00
	Retaining fee and professional services in Ludlam Carnell and George W. Watson vs. The Mayor et al.....	250 00
	Retaining fee and professional services in Winkleman vs. The Mayor et al.....	100 00
March —	Professional services in the matter of The Mandamus ex rel. J. F. Daly vs. The Board of Supervisors, to compel books of Court House Committee to be filed.....	100 00
	Trying action of Charles Oakley vs. The Mayor et al., before O'Connor, referee.....	250 00
	Trying action of Kenzie Brice vs. The Mayor et al.....	100 00
Mar. 13—	Professional services and argument of appeal in Henry Harnstein, appellant, vs. The Mayor, &c., respondent.....	150 00
	Professional services in The People ex rel. O'Brien vs. The Members of the Common Council, contempt case.....	100 00
	Retaining fee, professional services and attendance at five terms in the action of Henry G. Cox vs. The Mayor, &c., claim of \$25,000..	500 00
	Retaining fee, professional services and trying action of Stillman Wilt vs. The Mayor, &c....	250 00
	Professional services in appeal to Court of	

	Appeals and argument of Haughwout vs. The Mayor, &c.....	500 00
Mar. 27—	Professional services arguing motion in Court of Appeals in Maynicke vs. The Mayor, and travelling expenses.....	227 50
April 16—	Retaining fee and professional services in the action of Jesse S. Marshall vs. John T. Hoffman, Mayor, &c., and Metropolitan Public Conveyance Company.....	100 00
	Retaining fee and professional services in Odell vs. The Mayor, M. T. Brennan and David S. Valentine.....	150 00
	Retaining fee and professional services in William P. Williams vs. The Mayor, &c.....	150 00
	Retaining fee and professional services in Joseph Churchill vs The Mayor, and arguing demurrer.....	250 00
May 10—	Retaining fee and trying action of Peter Morris vs. The Mayor.....	250 00
	Retaining fee and professional services in The Tribune Association vs. The Mayor, &c.....	100 00
	Retaining fee and professional services in The People ex rel. Riker vs. Matthew T. Brennan, Comptroller, to pay award of \$29,000 mandamus denied.....	150 00
	Retaining fee and professional services in the following injunction actions to restrain the public sale of various piers, bulkheads, &c., &c.: New York and Havre Steamship Company vs. The Mayor, &c.; New York Balance Dock Company vs. The Mayor, &c.; Marshall O. Roberts vs. The Mayor, &c.; Stephen Condit Transportation Company vs. The Mayor, &c.; Russell Sturgis vs. The Mayor, &c.....	500 00
May 22—	Retaining fee and professional services preparing case on appeal in Berrian vs. The Mayor, &c.....	100 00
		\$6,902 50
May 24—	Argument in contempt case of The People ex rel. Richard O'Brien vs. Healey and eleven others of the Board of Councilmen.....	100 00
	Professional services and trying action of Daniel O'Neil vs. The Mayor, &c.....	125 00
May 31—	Professional service and trying action of Andrew McCool vs. The Mayor, &c., before O'Connor, referee.....	250 00
	Retaining fee and professional services in the action of International Insurance Company vs. The Mayor, &c., Board of Supervisors and Holden Marshall, &c.....	250 00
June 14—	Retaining fee and trying action of Dorothea Behrens vs. The Mayor, &c.....	150 00



	Retaining fee and professional services and trying action of Hatfield vs. The Mayor, &c.....	150 00
	Retaining fee and professional services in the following entitled actions viz: National Broadway Bank vs. The Mayor, &c.; Corn Exchange Bank vs. The Mayor, &c.; Metropolitan National Bank vs. The Mayor, &c.; Park National Bank vs. The Mayor, &c.; Bank of Commerce vs. The Mayor, &c.; Phenix National Bank vs. The Mayor, &c.; National Shoe and Leather Bank vs. The Mayor &c.; Gallatin National Bank vs. The Mayor, &c.; The People ex rel. Francis A. Palmer vs. The Mayor, &c.; The People ex rel. Henry J. Beers vs. The Mayor, &c.; The People ex rel. John Bodine vs. The Mayor &c.; The People ex rel. Wm. K. Ketchum vs. The Mayor, &c.; The People ex rel. John G. Williams vs. The Mayor, &c.; The People ex rel. David Dows vs. The Mayor, &c.....	1,000 00
July 19—	Arguing motion in opposition to an extra allowance in Hatfield vs. The Mayor, &c.....	25 00
Aug. 16—	To retaining fee and arguing motion to show cause why a mandamus should not issue to compel the Comptroller to issue bonds for Lowber Market.....	250 00
	To retaining fee in injunction suit The People ex rel. Ann Walter et al. vs. The Mayor and N. Y. and Harlem R. R. Company.....	250 00
Aug. 17—	To retaining fee and trying action of Ann Orderson vs. The Mayor, &c., before Baldwin, referee.....	250 00
Aug. 20—	Retaining fee and professional services in Alexander T. Stewart vs. The Mayor, &c., and Aerial Railway Company.....	250 00
	Retaining fee and professional services in the action of Christopher Pullman vs. the Mayor, &c. (in re. Manhattan Gas Company).....	250 00
	Retaining fee and professional services in the People ex rel. A. T. Stewart vs. The Mayor, &c.....	150 00
	Retaining fee, preparing case, points and arguments of appeal at General Term, Miller & Coates, respondents, vs. The Mayor, &c., appellants.....	250 00
Sept. 14—	Retaining fee and professional services arguing motion for a mandamus in the action of The People ex rel. J. T. Henry vs. Charles G. Cornell, Street Commissioner.....	150 00
Nov. 10—	Retaining fee, preparing case and points and arguing appeal in Supreme Court, Hickson Sailes vs. The Mayor, &c.....	250 00

	Retaining fee, preparing case and points and arguing appeal at General Term Superior Court, Stelman Nitt vs. The Mayor &c., respondents.....	250 00
	Retaining fee, preparing case and points in appeal Angus Ross vs. The Mayor &c., General Term Supreme Court.....	150 00
	Retaining fee, professional services and trying action of Luke Casey vs. The Mayor &c.....	250 00
	Retaining fee, professional services and trying action of Charles Cousins vs. The Mayor, &c.....	250 00
Nov. 19	—Retaining fee, professional services and trying action of Daniel F. Kimball vs. The Mayor. Professional services, and trying action of Churchill vs. The Mayor, &c., for \$29,000 damages before Tappan, referee.....	500 00
	Retaining fee, preparing case and points and argument of appeal before Supreme Court at Washington, Sheffield vs. The Mayor, &c.....	500 00
Dec.	—Retaining fee and professional services in Jacob B. Smith vs. The Mayor.....	100 00
	Retaining fee and professional services in Manuel A. White vs. The Mayor, &c.....	100 00
	Retaining fee and professional services in Arthur Gentle vs. The Mayor, &c.....	100 00
	Retaining fee and professional services in trying action of Manhattan Gas Company vs. The Mayor, &c.....	100 00
	Retaining fee and professional services in Louis Frey vs. The Mayor, &c.....	100 00
	Retaining fee and professional services in John Burn vs. The Mayor, &c.....	100 00
	Retaining fee and professional services in John Campbell vs. The Mayor, &c.....	100 00
	Retaining fee and professional service in Albert Siebert vs. The Mayor, &c.....	100 00
1867.	Total for 1866.....	\$13,727.50
	9—Three days attendance and arguing appeal in case Alanson T. Briggs vs. The Mayor, &c., General Term Common Pleas.....	250 00
Jan. 18	—Five days attendance, trial of cause four days, Angus Ross vs. The Mayor, Aldermen &c....	750 00
Jan. 20	—Attendance at the General Term of the Supreme Court, preparing case and points in the People ex rel. O'Brien vs. Healy and others...	250 00
Jan. 23	—Professional services and trying action of Manuel A. White vs. The Mayor, &c.....	150 00
Jan. 24	—Retaining fee, professional services and trying action of Brown vs. The Mayor, &c., some principals affecting and controlling twenty-	

	eight claims of a similar character; plaintiff non-suited.....	1,000 00
	Retaining fee and professional services in the following cases, viz. : The People ex rel. National Bank Republic vs. J. T. Hoffman, R. B. Connolly and J. B. Young; The People ex rel. Broadway Bank vs. J. T. Hoffman, R. B. Connolly and J. B. Young; The People ex rel. Bank New York vs. J. T. Hoffman, R. B. Connolly and J. B. Young; The People ex rel. Ocean National Bank vs. J. T. Hoffman, R. B. Connolly and J. B. Young; The People ex rel. St. Nicholas Bank vs. J. T. Hoffman, R. B. Connolly and J. B. Young.....	2,000.00
March.	—The People ex rel. Brazil Mail Steamship Co. vs. The Commissioners of Taxes and Assessment (attorney and counsel fees).....	250 00
Mar. 22	—Professional services and trying cause of Lennon vs. The Mayor, &c., in Common Pleas; Complaint dismissed.....	150 00
Mar. 25	—Professional services, attendance in court and arranging settlement of action of Angus Ross vs. The Mayor, &c.....	150 0
	Professional services and trying the following actions, viz. : Mary E. Waters vs. The Mayor, &c. ; Jos. W. B. Smith vs. The Mayor, &c., (discontinued) ; Walter Clark vs. The Mayor, &c. ; Catharine Reed vs. The Mayor, &c. ....	400 00
Mar. 25	—Professional services, retaining fee and preparing case on appeal, Miller & Coates vs. The Mayor, &c. ; specific performance.....	150 00
	Retaining fee and professional services in Pacific Mail Steamship Co. vs. The Mayor and Commissioners of the Sinking Fund.....	250 00
	Professional services in The People ex rel. Market Commissioners vs. The Common Council.....	250 00
	Retaining fee and professional services in William H. Angell vs. The Mayor, &c.....	250 00
	Retaining fee and professional services trying cause of Peter Thompson vs. The Mayor, &c. ....	250 00
	Retaining fee and professional services trying cause of James Gilmartin vs. The Mayor, &c. ....	250 00
	Retaining fee and professional services trying cause of Ross vs. The Mayor, &c. ....	250 00
	Professional services in trying cause of Churchill vs. The Mayor, &c., before Tappan, referee.....	250 00
	Professional services in trial of cause of Oakley vs. The Mayor, &c., before O'Connor, referee.....	250 00



Professional services in trial of cause of James M. Smith vs. The Mayor, &c., A. B. Tappan, referee.....	250 00
Retaining fee and professional services and trying cause of Morris Ketchum vs. The Mayor, &c., Superior Court.....	250 00
Total for 1867,.....	8,000 00
Aggregate.....	\$21,727 50

## "B."

## EXTRACTS FROM THE MINUTES OF THE COMMISSIONERS OF THE SINKING FUND IN REGARD TO THE TRAPHAGEN CONTRACT.

At a meeting of the Commissioner of the Sinking Fund, held June 19, 1871.

Present :

A. Oakey Hall, Mayor.

John K. Hackett, Recorder.

Richard B. Connolly, Comptroller.

J. G. Dimond, Ch. Fin. Com.

Board of Aldermen.

The Recorder submitted the following Resolution, which on motion was adopted, viz :

Whereas, it is represented to the Commissioners of the Sinking Fund that William C. Traphagen, Esq., of the City of New York, is possessed of knowledge that, (and how) some pieces, parcels and rights of property belonging to the Corporation of New York, to which at the present, said Corporation do not make claim, and :

Whereas, The same is however claimed and held by others adversely to the Corporation and without legal title from it, and :

Whereas. The said Commissioners are willing without accomplishing injustice to reduce to the possession of the Corporation, and to it make available all the said property, and :

Whereas, It is the duty of the Commissioners of the Sinking Fund, as Trustees of City property, to maintain any and all legal title to the property of the said Corporation, and :

Whereas, The said William C. Traphagen is willing upon certain conditions to be agreed upon to give to these Commissioners information of fact which will enable the Corporation aforesaid to obtain possession of the pieces, parcels and rights of property above referred to. Now therefore,

Resolved, That Recorder Hackett and Comptroller Connolly, be and hereby are appointed a committee with power, and are directed to enter into and conclude a proper agreement with the said William C. Traphagen, and in such manner and form as to them shall seem best, for the purpose of securing to the said Corporation of the Mayor, Aldermen and Commonalty of the City of New York, the possession and enjoyment of the said pieces, parcels and rights of property, which agreement shall embody a contingent (only) compensation to be paid to said William C. Traphagen, and whatever litigation shall become necessary shall be conducted by the Counsel to the Corporation in connection with said William C. Traphagen.

Signed,

A. Oakey Hall, Mayor.

John K. Hackett, Recorder.

Richard B. Connolly, Comptroller.

John E. Dimond, Chr. Finance  
Com. Bd. of Ald.

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At a meeting of the Commissioners of the Sinking Fund, held at the Comptroller's office July 25, 1871, present—A. OAKEY HALL, Mayor, JOHN K. HACKETT, Recorder, RICHARD B. CONNOLLY, Comptroller, JAMES E. DIMOND, Chairman Fin. Com. Board of Aldermen, the following report of the Committee appointed June 19, 1871, with power to enter into and conclude a proper agreement with William C. Traphagan, in relation to securing to the corporation possession of pieces, parcels, and rights of property held by others adversely to the corporation without legal title, was received, viz :

To the Honorable

the Commission of the Sinking Fund  
of the City of New York.

We, the undersigned, who, by resolution of your body, passed on the 19th June, 1871, were appointed a Committee with power, and were directed to enter into and conclude a proper agreement with William C. Traphagan, and in such manner and form as to us should seem best for the purpose of securing to the Corporation, the Mayor, Aldermen and Commonalty of the City of New York, the possession and enjoyment of certain pieces, parcels and rights of property belonging to them, and

situated in the said City and County of New York, do respectfully report as follows: That we have entered into, concluded and executed an agreement with said Traphagan in conformity with, and under the authority of the resolution above referred, and which said agreement (which has been executed in duplicate) accompanies this report, dated July 20th, 1871.

Signed,

JOHN K. HACKETT, Recorder.

RICHARD B. CONNOLLY, Comptroller.

On motion, the following resolution was adopted, viz:

*Resolved*, That the report of Messrs. Hackett, Recorder, and Connolly, Comptroller, in and by which it appears that they, under the authorization of this Board, and on behalf of the Mayor, Aldermen and Commonalty of the City of New York, have entered into an agreement with William C. Traphagan, Esq., be adopted; and further, that the said agreement be adopted as the act of this Board, and that the same, together with the report of said Committee, be entered at length upon the minutes.

The agreement referred to above is as follows, viz:

*Whereas*, At a meeting of the Commissioners of the Sinking Fund held June 19th, 1871, the following preamble and resolution were unanimously adopted, viz:

*Whereas*, It is represented to the Commissioners of the Sinking Fund that William C. Traphagen, Esq., of the city of New York, is possessed of knowledge that (and how) some pieces, parcels and rights of property belong to the Corporation of New York to which at present said corporation do not make claim; and

*Whereas*, The same is however claimed and held by others adversely to the Corporation, and without legal title from it; and

*Whereas*, The said Commissioners are willing, without accomplishing injustice, to reduce to the possession of the Corporation, and to it make available all the said property; and

*Whereas*, It is the duty of the Commissioners of the Sinking Fund, as trustees of city property, to maintain any and all legal title to the property of the said Corporation; and

*Whereas*, The said William C. Traphagen is willing, upon certain conditions to be agreed upon, to give to these Commis-



sioners information of facts which will enable the Corporation aforesaid to obtain possession of the pieces, parcels and rights of property above referred to.

*Now, Therefore, Resolved,* That Recorder Hackett and Comptroller Connolly be, and hereby are appointed a Committee with powers, and are directed to enter into and conclude a proper agreement with the said William C. Traphagen, and in such manner and form as to them shall seem best, for the purpose of securing to the said Corporation of the Mayor, Aldermen and Commonalty of the City of New York, the possession and enjoyment of the said pieces, parcels and rights of property which agreement shall embody a contingent (only) compensation to be paid to said William C. Traphagen, and whatever litigation shall become necessary shall be conducted by the Counsel to the Corporation in connection with said William C. Traphagen.

*And Whereas,* Also it is the duty of the Comptroller of the city of New York to prevent encroachments on property belonging to the Corporation; and

*Whereas,* The comptroller is willing, without accomplishing injustice, to reduce to the possession of the corporation, and make available the said property.

Now, in pursuance of such resolution aforesaid, and of the premises this agreement, made the twentieth day of July, A. D. 1871, between the corporation of the Mayor, Aldermen and Commonalty of the city of New York, through the Commissioners of the Sinking Fund, and the Comptroller of the city of New York, of the first part, and William C. Traphagen, of the said city, of the second part.

*Witnesseth,* That for and in consideration of one dollar in hand paid by each of the parties to the other, the receipt whereof is hereby acknowledged as well as in consideration of the agreements hereinafter named between the parties.

The party of the first part agrees to pay to the party of the second part a sum of money equal to the one-half of the value of each and all the pieces, parcels and rights of property, of which they shall become possessed through information given to the Commissioners of the Sinking Fund by him; and it is further agreed between the parties to these presents that the value of each piece, parcel or right of property as soon as it shall come into the possession of the party of the first part, shall be fixed if possible by an agreement in writing in duplicate

between the parties signed by the Commissioners of the Sinking Fund on the part of the party of the first part, and by the party of the second part on his own behalf, one of the said duplicates to be retained by each of the parties hereto, and in case such agreement as to value be so executed, then the Mayor, Aldermen and Commonalty shall within five days thereafter pay to the party of the second part a sum equal to the one-half of the value thus fixed which payment to be made through the Comptroller of the City of New York on the party of the second part presenting to him his duplicate of the certificate of value signed as above provided.

And in case the said Commissioners and the party of the second part shall fail to agree upon a valuation of any piece or parcel, or right of property, within twenty days after, the party of the first part shall become possessed of such piece, parcel or right of property then, and in that case such piece or parcel, or right of property in regard to which there is such a failure, shall be sold at public auction to the highest bidder by the said Commissioners within forty days, after the expiration of the above twenty days, in which the said Commissioners of the Sinking Fund, and the party of the second part are given herein to agree upon a valuation, and if upon such sale the party of the second part shall become the purchaser then, and in such case he shall be obliged, but one-half of the purchase money, and give a receipt to the party of the first part for the other one-half of the purchase money, and thereupon a proper conveyance of the piece, parcel or right of property shall at once be made to him by the Corporation of the Mayor, Aldermen and Commonalty of the City of New York.

But if upon such sale the party of the first part shall become the purchaser or bid the property in, then it shall within five days after such sale pay through the Comptroller of the city of New York to the said party of the second part a sum equal to the one-half part of the net sum bid by it on such sale; and if a third party shall become the purchaser at such sale then the said party of the first part shall within five days after it receives the purchase price of such property, through the said comptroller pay to the party of the second part, on his receipt for the same the net one-half of the price for which such property was sold, and so as to each piece, parcel or right of property in

reference to which there is a failure by the commissioners of the sinking fund, and the party of the second part to agree upon value.

And the party of the first part further agrees to advance to the said party of the second part all the money that it shall be necessary for him to disburse in maintaining and asserting the rights of the corporation of the Mayor, Aldermen and Commonalty of the city of New York to the pieces, parcels and rights of property referred to in the resolution of the commissioners of the sinking fund above recited; and it is further agreed that such money shall be disbursed under the direction of the Recorder of the city of New York, and Comptroller aforesaid, and that all such money so advanced by the party of the first part shall be returned to it by the party of the second part out of the proceeds of the first property reduced to possession (after such advance) by the corporation of the Mayor, Aldermen and Commonalty of the city of New York.

And the party of the first part agrees that whenever the party of the second part shall show the Commissioners of the Sinking Fund that the Corporation of the Mayor, Aldermen and Commonalty of the City of New York have rights in or to any piece, parcel, or rights of property to which at present it does not make claim, and which is claimed and held by others adversely to it, and without any legal title from it, the party of the first part will immediately cause proceedings to be taken by the counsel of the Corporation in connection with the party of the second part, either by suit or otherwise as to them (said counsel and said party of the second part) shall deem best for the recovery thereof; and such proceedings shall not be discontinued or unnecessarily delayed or compromised or settled without the consent of the party of the second part.

And if by the joint agreement and concurrence of the respective parties of the first part and second part, there shall be any settlement of the claim of the party of the first part, or its rights in respect to the property aforesaid, or any part or parcel thereof by the payment on the part of the latter of monies, then the amount of monies of such payment shall be equally divided between the parties of the first part and the second part, upon the execution of quit claim deeds by the party of the first part to the third parties in possession.

And the said party of the second part agrees to fully inform the said Commissioners of the Sinking Fund of the interest of the party of the first part in and to the pieces, parcels, and rights of



property in the above resolution referred to, in what they consist, where located, and how they arise.

In witness whereof, the parties hereto have hereunto set their hands and seals the day and year first above written.

Witness as to W. C. TRAPHAGEN,

(Signed) JAMES O'NEILL.

[L.S.]

(Signed) W. C. TRAPHAGEN.

(Signed) C. W. LAWRENCE, }  
as to all. }

Signed, JOHN K. HACKETT, Recorder, City of New York.

Signed, RICHARD B. CONNOLLY,

[L.S.]

Controller of the city of New York.

*State of New York, City and County of New York ss.*

On the twentieth day of July, 1871, before me came Jo'an K. Hackett, Recorder of the city of New York, and Richard B. Connolly, Comptroller of the city of New York, and on the twenty-first day of July, 1871, before me came William C. Traphagen, to me severally known to be the persons described in and who executed the the within instrument, and they severally acknowledged to me that they executed such instrument for the purposes therein contained.

Signed,

C. W. LAWRENCE, Notary Public,  
City and County of New York.

Signed,

A. OAKLEY HALL, Mayor.  
JOHN K. HACKETT, Recorder.  
RICHARD B. CONNOLLY, Comptroller.  
JAS. E. DIAMOND, chr. Fin. com. of  
Board of Ald.

At a meeting of the Commissioners of the Sinking Fund held at the Comptroller's office, March 25, 1874. Present,

W. F. HAVEMEYER, Mayor.  
JOHN K. HACKETT, Recorder.  
ANDREW H. GREEN, Comptroller.  
GEO. W. LANE, Chamberlain,  
J. VAN SCHAICK, Ch. Fin. Com. B'd of Ald.

The comptroller submitted the following preamble and resolutions, viz. :

*Whereas*, On the minutes of the Commissioners of the Sinking Fund there appears a writing purporting to be an agreement entered into on the 20th of July, 1871, between the Commissioners of the Sinking Fund and one William C. Traphagen, relative to furnishing information in relation to the recovery of city property held adversely to the Mayor, Aldermen and Commonalty of the city of New York ; and

*Whereas*, The commissioners of the Sinking Fund are of the opinion that said pretended agreement is without authority of law, and wholly inoperative and void, and that, if said pretended agreement were to be deemed and held binding and valid and effective by the commissioners of the Sinking Fund, the interests of the city would be greatly embarrassed and damnified and great loss would accrue ; and

*Whereas*, The said pretended agreement would, if held valid, afford great opportunity for oppressive measures upon innocent parties ; therefore, be it—

*Resolved*, That a certain resolution of the commissioners of the Sinking Fund, purporting to authorize the execution of such pretended agreement, and the pretended adoption thereof as the act of the commissioners of the Sinking Fund on the twenty-fifth day of July, 1871, be and the same is hereby vacated and set aside, rescinded, abrogated and cancelled, and that such pretended agreement is hereby declared to be void, and of no force or effect, and that notice of the action of this board be forthwith given to said William C. Traphagen.

Which on motion was laid on the table until the next meeting of this board and made the special order at that meeting.

On motion, *Resolved* (the comptroller dissenting), that the clerk of this board furnish a copy of the said preamble and resolution to William C. Traphagen, and also inform him that any communication he may wish to make to this board be submitted in writing, on or before Wednesday, April 1, 1874.

(Signed.)

WM. F. HAVEMEYER, Mayor.

At a meeting of the Commissioners of the Sinking Fund, held at the Comptroller's office, April 1, 1874. Present,

Wm. F. HAVEMEYER, Mayor.  
 JOHN K. HACKETT, Recorder,  
 ANDREW H. GREEN, Comptroller.  
 GEO. W. LANE, Chamberlain.  
 J. VAN SCHAICK, Ch. Fin. Com. B. A.

A communication was received from Wm. C. Traphagen in relation to the preamble and resolution submitted by the Comptroller at the last meeting to receive certain proceedings and action by the Commissioners of the Sinking Fund, July 25, 1871. which, on motion, was ordered on file.

The preamble and resolution laid over at the last meeting and made the special order for this meeting, were taken up for action. Whereupon the Comptroller moved to strike out of the resolution the words, "and that notice of the action of this Board be forthwith given to said William C. Traphagan."

The Recorder proposed to strike out of said resolution the words "purported" and "pretended," stating his reason therefor, and then moved that the preamble and resolution be referred to the counsel to the corporation for his opinion. Whereupon the chairman of the finance committee of the Board of Aldermen submitted as a substitute the following resolution, viz. :

*Resolved*, That the communication of Mr. Traphagen be referred to the Mayor to inquire into the right of this commission to abrogate the contract heretofore made with Mr. Traphagan, regarding water grants, etc., power being hereby given to the Mayor to consult with the corporation counsel or other as he (the Mayor) may elect, which was not adopted. The Mayor, Comptroller and Chamberlain voting in the negative, and the Recorder and Chairman of the Finance Committee of the Board of Aldermen in the affirmative.

The motion of the Comptroller to strike out of the resolution the words "and that notice of the action of this Board be forthwith given to said Wm. C. Traphagan" was adopted. The mayor, Comptroller and Chamberlain and Chairman of Finance committee of the Board of Aldermen voting in the affirmative, and the recorder in the negative. On motion, the preamble and resolution was amended, viz. :



*Whereas*, On the minutes of the Commissioners of the sinking fund there appears a writing purporting to be an agreement, entered into on the 20th July, 1871, between the Commissioners of the sinking fund and one Wm. C. Traphagan, relative to furnishing information in relation to the recovery of city property, held adversely to the Mayor, Aldermen and Commonalty of the city of New York ; and,

*Whereas*, The Commissioners of the sinking fund are of the opinion that said pretended agreement is without authority of law, and wholly inoperative and void, and that if said pretended agreement were to be deemed and held binding and valid and effective by the commissioners the interests of the city would be greatly embarrassed and damaged, and great loss would accrue ; and, whereas, the said pretended agreement would, if held valid, afford great opportunities for oppressive measures upon innocent parties ; therefore be it,

*Resolved*, That a certain resolution of the Commissioners of the sinking fund, purporting to authorize the execution of such pretended agreement and the pretended adoption thereof as the act of the Commissioners of the sinking fund on the 25th day July, 1871, be, and the same is hereby, vacated and set aside, rescinded, abrogated and canceled, and that such pretended agreement is hereby declared to be void and of no force or effect. Were adopted. The Mayor, Comptroller and Chamberlain voting in the affirmative, and the Recorder and Chairman of the finance committee of the Board of Aldermen in the negative

“C.”

THE REPLY OF THE ASSOCIATION.

Immediately upon the publication of Recorder Hackett's charge to the Grand Jury the following communication was sent to it by the Citizens' Association :

CITIZENS' ASSOCIATION OF NEW YORK, }  
October, 13, 1868. }

*To the Foreman and Members of the Grand Jury of the County of New York.*

GENTLEMEN: The Recorder of this city, Hon. John K. Hackett, having in his charge to you on Wednesday last ad-

dressed you on the subject of the Citizens' Association and the work in which it has been engaged for the past five years, thus officially calling your attention to the association and its labors, the association proceeds to lay before you certain matters which deeply concern the people of this city and the administration of its local government. But first the association would call your attention to the following remarks made by the Hon. George G. Barnard, presiding Justice of our Supreme Court, in the course of his charge to the Grand Jury of this county, your predecessors, assembled before him while he was holding the Court of Oyer and Terminer in this city. Mr. Justice Barnard said to the Grand Jury :

"I had intended, gentlemen, to charge you, indeed, I had carefully prepared, with the intention of delivering to you a charge in regard to the offenses which are constantly being committed in the city of New York by public officers, but on reflection I have concluded to suppress it, and for this reason : No one single man can, unaided and alone, fight against the corruptions of New York City. I have determined hereafter, when I have information or seek to accomplish anything in opposition to this bad influence, to use the Citizens' Association, an association in New York city composed of gentlemen of wealth, of intellect and of sterling integrity. I have determined to use them as an instrument for the purpose of reforming what I consider the most glaring abuses in New York City. So far as my Court is concerned—so far as I have the power, by injunction, mandamus or otherwise, to stop these abuses, I intend to do it ; but, as one single unaided man, I shall look to the Citizens' Association for aid and assistance."

Since the delivery of this charge by Justice Barnard the Citizen's Association has steadily pursued the course it had previously followed ; has rendered aid and assistance to all officials who have striven to do their duty honestly ; has fought "against the corruptions of New York city," and has persistently exposed "the offences which are constantly being committed in the City of New York by public officers," to quote Justice Barnard's forcible words, but the association now feels that it is time to call the attention of the Grand Jury to several matters of complaint against the administration of the local government in the city and county of New York. The association, in the ex-

ercise of that sovereign power which inheres in the people by virtue of the fundamental principles on which our government is based, has investigated the public departments of this city, has followed step by step the course of public officers, and has, in all cases, made public for the information of the people of this city who are directly interested, the results of its investigations. The association finds on the part of all public officers who have been thus exposed, and all who fear exposure, a disposition to make common cause with each other to defeat the efforts of the association. The Street Commissioner, George W. McLean, attacked the association, and the Recorder, Hon. John K. Hackett, immediately followed in the same direction. The association, believing that no more important subject can engage your attention as a Grand Jury than "the offenses which are constantly being committed in the city of New York by public officers," to use Judge Barnard's words, and that no more important duty devolves on you than to make a proper presentment of such official misconduct, would respectfully lay before you certain facts. The Board of Supervisors have expended \$4,350,000 on building a Court-House which was originally intended to cost but \$1,000,000, and have done this by extravagant contracts. In 1867 the Legislature of the State authorized the sum of \$800,000 to be raised for "the completion of" the building with that sum; but in violation of that duty the Board of Supervisors neglected to complete the building with said sum.

In 1868 the legislature authorized the sum of \$800,000 to be raised for "the completion, fitting up and furnishing of the new courthouse in the said county, now near completion," and it was the duty of the board of supervisors to complete, fit up and furnish the building with that sum; but in open violation of the law and of their duty the board of supervisors have spent the money but have neglected to complete and furnish said building with that sum, and the same still remains very far from being completed. The supervisors have also expended \$600,000 in fitting up and in furnishing with costly furniture, frescoes and other extravagant adornments, hired armories for the use of the city militia, when a small part of that sum would have amply sufficed for the purpose. The association calls your attention to the fact that in furnishing the armory for a single regiment



the board of supervisors expended in four months the sum of \$23,658.25, and that this amount was made up of such items as "forty-eight walnut chairs, upholstered in green reps and brass nails, Fifth Regiment carved on back and gilt; for board of officers at \$46 each, \$2,208; one black walnut desk for presiding officer, \$237; one black walnut secretary desk, \$177; ten black walnut cases for muskets at \$677 each, \$6,776; one large case for centre, \$736," and that reference is made to the document hereto annexed marked "A" for further particulars in regard to the fitting up of armories and drill-rooms.

The Recorder did not charge you on the subject of the expenditures made by corporation counsel O'Gorman during the twenty-two months from January 1, 1866. It appears that while Mr. O'Gorman was allowed a yearly salary of \$12,000 and was allowed \$12,000 additional yearly for clerks, he paid away large sums to extra counsel to assist in doing the work of his office. It appears that, in fact, he obtained for himself a fee of \$10,000, in addition to his salary, in one set of cases in which the city and county were interested, and that he paid to the Recorder, Hon. John K. Hackett, about \$21,727.50 in fees for doing part of the work of the corporation counsel's office, although Mr. Hackett was, from March 6, 1866, Recorder, and drawing in such capacity as salary and allowances about \$15,000 for said twenty-two months.

The Recorder did not charge you on the subject of his demanding and receiving for himself pay as Recorder, for a period when he did not hold the office. He was appointed Recorder March 6, 1866, and yet he demanded and received the salary from the 1st of January preceding. The association submits the following: In March, 1866, an application was made by a citizen of this county to the Board of Supervisors to allow him to inspect the papers, records and accounts pertaining to the construction of the new court-house. He could not see them, however, because they were not deposited in the office of the clerk of the board, as they are required to be by the statutes of this State, but were kept in the private possession of the court-house committee. He therefore applied to the Supreme Court for a mandamus to compel the Supervisors to place such books, papers and accounts in their clerk's office, to be there open to public inspection, as the law of the State directs. Although

this was a just and legal request, the corporation counsel retained Hon. John K. Hackett at an expense of \$100 (which was paid out of the city treasury), to appear in the court on behalf of the supervisors in answer to this mandamus. All that Mr. Hackett appears to have done for his \$100 was to tell the court that the supervisors would obey the mandamus and put the papers in their clerk's office. The association submits that it is an improper practice and calculated to bring the bench into disrepute that a high criminal judge should be permitted to receive while serving in such judicial office large fees from other departments of the Government.

The association submits that if a high judicial officer, in addition to his salary, shall be permitted to receive large emoluments from the practice of the profession of the law from the co-ordinate branches of government he may become more or less partial in viewing the conduct of the officials who contribute so largely to his income, and inimical to all persons and associations striving to prevent excessive expenditure of the public money. The association submits that if a proper respect for the dignity of the bench should not prevent a high judicial officer from profiting pecuniarily from co-ordinate branches of the local government, the Grand Jury should present the fact, in the hope that such presentment may work a reform. The association also submits that the Grand Jury should present for the information of whom it may concern that, although in England the public officer is the servant of the crown, and responsible to the crown only, in this country the public officer is the servant of the people, and as such servant is responsible to the people for the proper performance of his duties; and also that it is not only the right but the duty of every citizen to exercise the most vigilant watch over the conduct of all public officials, whether legislative, executive or judicial, and that without such constant supervision incapable and dishonest men may attain to the highest positions in the State, and even the courts may become sanctuaries for fraud when dishonest judges may use their power for the suppression of virtue, the encouragement of vice, the perversion of official morality, and for private gain.

The association would also call your attention to the fact that the streets of this city are now and have been for several months past in a disgraceful condition of pavement, while the

Street Department, of which George W. McLean is chief, has paid since July 3, 1868, and still continues to pay \$20,000 per month to a contractor for the alleged purpose of keeping the streets in repair; also, that while the charter of this city requires all work over \$250 to be done under contract with the lowest bidder, the same department has expended about \$300,000 per annum on the roads and avenues, wharves and piers, and for supplies, &c., without any contract as required by law; also that the same department has in and about the repairing of the wharves and piers hired more workmen than necessary to make the repairs made, and expended many times as much money for labor as the work should have cost; that the same department has hired unnecessary labor during the election periods; also, that it has paid for 34,000 pounds of spikes and bolts used in repairing certain wharves and piers, nearly double what they should have cost, and has paid for the lumber it used some 30 per cent. more than the market value of the necessary material; also, that it has expended many thousand dollars more than it should have expended in such repairing.

The association would also call your attention to the fact that the association was compelled from a sense of duty to the people to request the City Chamberlain, Mr. Peter B. Sweeny to pay into the public treasury the interest which he received on the public moneys in his keeping; that Mr. Sweeny claimed such interest as his own, and made no offer to do as the association requested; that he afterwards concluded to comply, and has represented that he has paid into the public treasury all such interest, amounting so far to about \$82,000. The association would request that by reason of the pretense of a public officer, who is a mere servant of the people, to retain the interest received on the public money while in his hands, in the face of the fact that he receives a salary of about \$23,000 per annum for his services, the Grand Jury should present the fact that the Chamberlain in paying over this profit on the public money is not presenting a gratuity to the people who pay for his services, but is merely rendering to the people that which belongs to them.

The association would also call your attention to the fact that every year city officials appear at Albany and strive to induce the Legislature to make larger appropriations than are

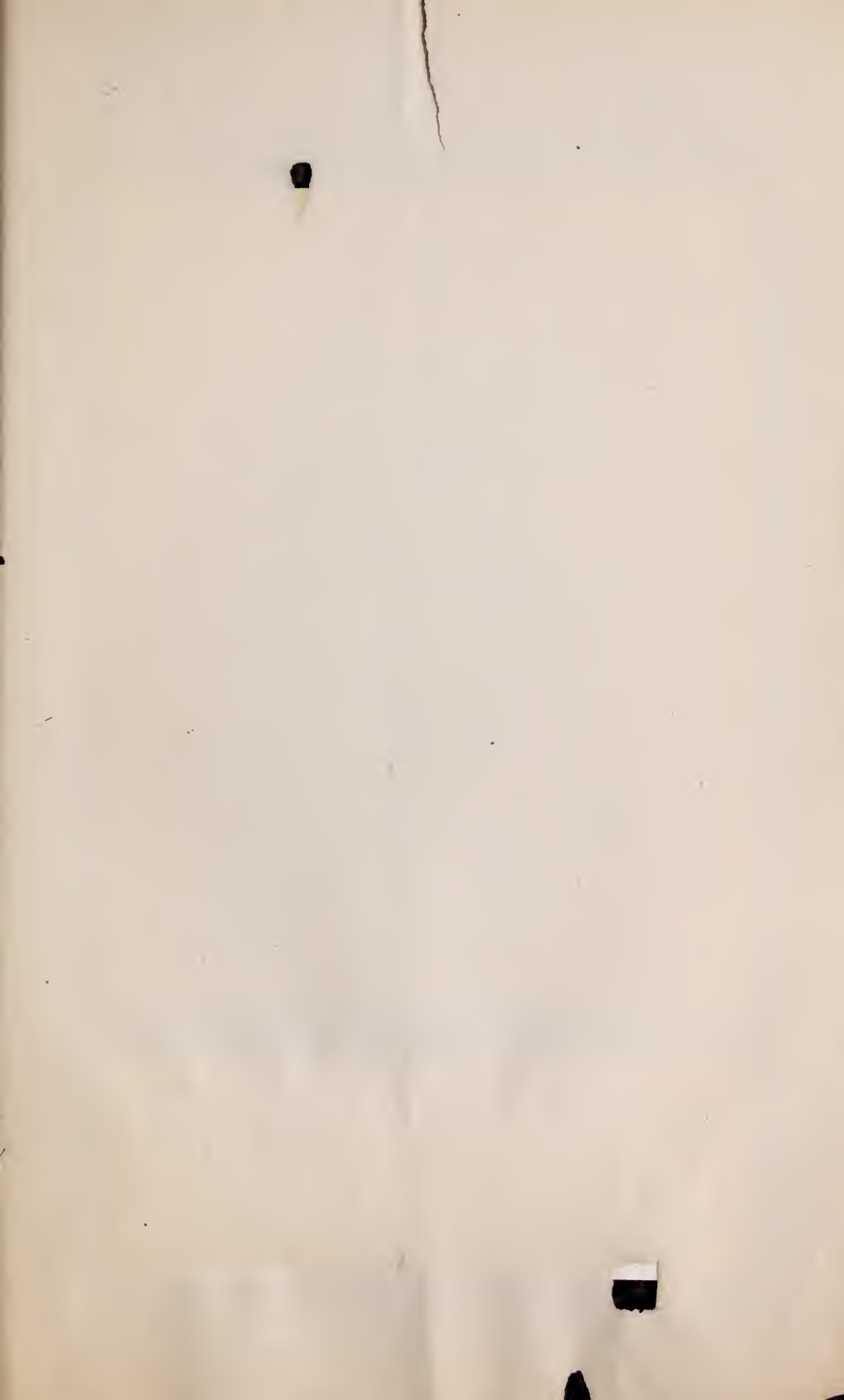


needed to carry on the local government, thus increasing the yearly taxes ; that last spring the agent of the city officials becoming exasperated at the efforts made by the Citizens' Association to reduce these appropriations declared that he would advise the city officials next year to ask for three times as much as they needed. As this gentleman is of very great influence, and holds a high official position, it is possible that he may induce the city officials to commit this fraud upon the people of the city and the Legislature, and, therefore, the association would respectfully suggest that it is important that the Grand Jury should take the matter summarily in hand, and by a prompt expression of opinion on the subject prevent such a scheme from being carried out.

The Citizens' Association, impelled by a sense of the duty which it owes to the people of this city, will continue to contest every usurpation on the part of officials, to arraign them before the bar of public opinion, and to check them in the court and in the Legislature. The association most respectfully requests that the Grand Jury of the county of New York will make due and proper inquest into the various matters brought to its notice, and, if satisfied of the truth of the statements made, present these various abuses in such a way as to its wisdom may seem best calculated to procure their abatement.

All of which is most respectfully submitted.







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